

109TH CONGRESS
2D SESSION

S. 2628

To amend the Low-Income Home Energy Assistance Act of 1981 to provide procedures for the release of Low-Income Home Energy Assistance Program contingency funds.

IN THE SENATE OF THE UNITED STATES

APRIL 24, 2006

Ms. CANTWELL (for herself, Mrs. MURRAY, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Low-Income Home Energy Assistance Act of 1981 to provide procedures for the release of Low-Income Home Energy Assistance Program contingency funds.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “LIHEAP Emergency
5 Reform Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The Low-Income Home Energy Assistance
2 Program (referred to in this Act as “LIHEAP”)
3 provides vital assistance to the millions of Americans
4 struggling to pay their energy bills.

5 (2) The LIHEAP contingency fund was created
6 “to meet the additional home energy assistance
7 needs of one or more States arising from a natural
8 disaster or other emergency”.

9 (3) While a total of approximately
10 \$3,800,000,000 in LIHEAP contingency funds has
11 been distributed since 1990—in all cases, to help
12 meet the needs of low-income families across the
13 United States—widely varying eligibility rules have
14 led to instances in which very real energy emer-
15 gencies have been overlooked.

16 (4) The millions of Americans served by
17 LIHEAP, and States struggling to meet demand for
18 the assistance LIHEAP provides, would greatly ben-
19 efit from the addition of transparency to the process
20 by which LIHEAP contingency funds are distrib-
21 uted.

22 **SEC. 3. LIHEAP CONTINGENCY FUND REFORM.**

23 Section 2604(e) of the Low-Income Home Energy
24 Assistance Act of 1981 (42 U.S.C. 8623(e)) is amended—

1 (1) by striking “(e) Notwithstanding” and in-
 2 serting “(e)(1) Notwithstanding”;

3 (2) in the second sentence, by striking “or any
 4 other program”; and

5 (3) by adding at the end the following:

6 “(2) Notwithstanding any other provision of this sub-
 7 section, the Governor of a State may apply to the Sec-
 8 retary for certification of an emergency in that State and
 9 an allotment of amounts appropriated pursuant to section
 10 2602(e).

11 “(3) The Secretary, in consultation with the Sec-
 12 retary of Energy and with the appropriate State officials,
 13 shall by rule adopt procedures for the equitable consider-
 14 ation of applications submitted under paragraph (2). Such
 15 procedures shall require—

16 “(A) the consideration of each of the conditions
 17 in the definition of ‘emergency’ in section 2603;

18 “(B) the consideration of the differences be-
 19 tween geographic regions including differences in
 20 sources of energy supply for low-income households,
 21 relative price trends for sources of home energy sup-
 22 ply, and differences in relevant weather-related fac-
 23 tors including drought; and

24 “(C) the Secretary to grant such applications
 25 within 30 days after submission unless the Secretary

1 certifies in writing that none of the conditions in the
2 definition of ‘emergency’ in section 2603 has been
3 demonstrated.”.

○